

### **REMARKS**

Claims 1-34 are now pending in this application, with claims 1, 5, 9, 13, 17, 22, 26 and 31 being independent. Claims 1, 3, 5, 9, 13, 17, 22, 26 and 31 have been amended. Favorable reconsideration is respectfully requested.

Claims 1-12 and 31-34 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Without conceding the propriety of the rejections, independent claims 1, 5 and 9 have been amended to recite affirmatively a vendor server that performs many of the steps of the method, and therefore effects the underlying process. And independent claim 31 has been amended to recite computer code storable on a computer-readable medium. Applicant respectfully submits that each of claims 1-12 and 31-34 are in full compliance with the requirements of Section 101, and respectfully requests the Examiner to remove the rejection.

Claims 1-34 has been rejected under 35 U.S.C. §103(a) as allegedly being obvious from Paulose (2001/0027471) in view of Yamada (6,336,100). This rejection is respectfully traversed.

As recited in independent claim 1, the present invention relates to a method of delivering goods ordered by a plurality of customers. In the method, customers place orders for goods from a vendor maintaining a server on a network. For an order placed by a given customer, the vendor server determines whether an ordered good is currently available at a local pick-up point that is geographically close to that customer. When the good is not available at the local pick-up point, the vendor fulfills the order by combining it into a single shipping order with goods ordered by other customers who are also close to the local pick-up point. The vendor then causes the single shipping order to be sent to the local pick-up point.

Independent claim 5 relates to a method for designating local receipt of items ordered from a vendor at a remote location. Independent claim 9 relates to a method

of delivering goods ordered by plural customers. Independent claim 13 relates to an apparatus for controlling delivery of goods to plural customers. Independent claims 17 and 26 relates to a system for allowing multiple vendors to consolidate shipping of goods to customers. Independent claim 22 relates to a shopping server on a network that includes plural vendor servers and plural customer client terminals. And independent claim 31 relates to computer code storable a computer-readable media and executable on a server, that carries out steps that correspond generally to the elements of claim 13. All of those independent claims recite salient features of claim 1 discussed above, and all specifically recite determining whether an ordered good is available at a local pick-up point and if not fulfilling the order by delivering the good to the local pick-up point.

Internet shopping sites have abounded in recent years. In their most conventional form, ordered items are delivered to a customer's home, using a paid carrier such as United Parcel Service (UPS). While these systems are workable and used by many, they suffer from certain drawbacks. Most notably, they typically involve a specialized delivery of a single order to a home, which results in costly delivery charges, which one way or another are generally absorbed by the customer. Also, home deliveries are often made or attempted when a customer is not home, which creates an appreciable measure of inconvenience for both the customer and the delivering entity.

The present invention overcomes these drawbacks by using local pick-up points that are geographically close to and/or chosen by the customer. More specifically, in accordance with the present invention, after an order for a good is placed, a determination is made as to whether the good is available at the local pick-up point, and if it is not the good is delivered to the local pick-up point. In this manner, deliveries to homes and their associated costs and inconveniences are avoided, and the number of specialized deliveries may be effectively minimized.

Paulose relates to an order aggregation system, in which products from various orders are combined into a single shipping container. This aggregation is done in an effort to allow customers in one country to interact with a Web server to order an item to be shipped from another country. As conceded by the Examiner, there is nothing in Paulose which teaches or suggests anything regarding a local pick-up point, and therefore can be nothing which teaches or suggests determining whether ordered goods are available at a local pick-up point.

Yamada relates to an online shopping system, in which a customer placing an order for a commodity is enabled to select his home, office or a 24-hour convenience store as the location where he or she wishes the commodity to be delivered. In the case of each of the selections, however, when a commodity is ordered by a customer, it is always delivered from the retailer to the selected destination in response to the order being placed. Yamada fails completely to each a scenario in which a determination is made as to whether the commodity is currently available at the convenience store, and a delivery of the commodity to the store is made in a case where the commodity is not currently available.

Accordingly, Applicant respectfully submits that independent claims 1, 5, 9, 13, 17, 22, 26 and 31 are not rendered obvious by Paulose, Yamada or any combination of the two, and respectfully request the Examiner to remove the Section 103 rejections.

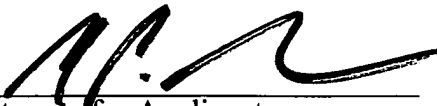
The remaining claims all depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

### CONCLUSION

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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Attorney for Applicants  
Michael P. Sandonato  
Registration No. 35,345

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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